

**MINUTES OF THE CITY COMMISSION MEETING
OCTOBER 27, 2003**

The City of Leesburg Commission held a regular meeting Monday, October 27, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:31 p.m. with the following members present:

Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Commissioner David Knowles
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Mayor Connelly gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
OCTOBER 13, 2003**

Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held October 13, 2003. Commissioner Knowles seconded the motion and it carried unanimously.

PRESENTATIONS:

- A. Electric and Gas Director (EGD) Lloyd Shank presented a service award to Dave Thomas for fifteen years in the Electric Department. Stan Carter of MIS was unable to attend the meeting.
- B. Mayor Connelly proclaimed October 27 through 31, 2003 as "Make a Difference Week" by reading the proclamation in its entirety.
- C. Mayor Connelly presented Harriett Mann a certificate celebrating her twenty-five years as a volunteer at the Leesburg Food Bank. Mrs. Mann, Executive Director of the Food Bank, thanked the City Commission and staff for helping provide food for those who need it. She stated donors are the backbone of the Food Bank. Approximately 256,000 meals were provided last year. This summer was very rough and the donations made during the next week will make a big difference.
- D. Mayor Connelly presented Mrs. Helen Coffee a distinguished service award given posthumously to her mother, Mrs. Sutton, for her determination in helping others. Mayor Connelly recited a story regarding Mrs. Sutton taking her own money and vehicle to take students from Okahumpa to school.

Mrs. Coffee thanked the City, the Commissioners, and Mayor Connelly for recognizing her family.

- E. Henri Couture, member of the board of directors for the Leesburg Center for the Arts, introduced Margo Walbolt, the Clearwater Recreation Department Arts & Community

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Services Coordinator. He noted the community of Leesburg was revitalized in the 1990's and it is time to invest in cultural arts.

Ms. Walbolt presented information on how Clearwater put together its Cultural Arts Plan. A copy of the presentation is attached.

Mr. Couture stated cultural arts made an economic impact in Clearwater. He stated the Center for the Arts is requesting the City to match ½ of the funds (up to \$15,000) necessary to complete the planning stage of a cultural arts plan. They are also looking for staffing assistance.

Kathy Cook, Executive Director of the Leesburg Center for the Arts, stated they are committed to put together partnerships with the hospital, college, and other entities. The Center requests the City to join.

CONSENT AGENDA:

Pulled A-1 (Contract with Charles Johnson)
A-6 (Purchase of CSX property)

Commissioner Perry moved to approve the Consent Agenda except items A-1 and A-6 and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

RESOLUTIONS:

RESOLUTION 6953

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for Amendment No. 1 to Supplement Agreement #28, to the basic agreement between the parties pertaining to professional services related to the design of security measures at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6954

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Boyle Engineering Corporation for Amendment No. 3; and providing an effective date.

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RESOLUTION 6955

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a lease agreement between the City of Leesburg and Sunair Aviation, Inc., for the purpose of leasing space at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6956

A resolution of the City Commission of the City of Leesburg, Florida supporting the Board of Lake County Commissioners' stand opposing changes to the present Florida Water Resource policy; and providing an effective date.

OTHER AGENDA ITEMS:

Appropriate forfeiture funds to purchase six Tasers and assorted accessories for the Police Department

ADOPTED RESOLUTION 6953 EXECUTING AN AGREEMENT WITH CHARLES D. JOHNSON FOR THE CONTRIBUTION OF \$50,000 FOR THE PURCHASE OF SCOREBOARDS FOR SLEEPY HOLLOW RECREATION COMPLEX.

Commissioner Knowles introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Charles D. Johnson for the contribution of \$50,000 to purchase ten (10) scoreboards for Sleepy Hollow Recreation Complex; and providing an effective date.

Commissioner Knowles stated he is pleased the City is able to work with an individual to do this.

Mr. Charles Johnson noted the purpose of having this agreement is not to let a bottling company have the contract. He stated it is best that each recreation area be able to do what is best for that area. He further noted nothing is being done with this agreement at this time.

Commissioner Knowles moved to adopt the resolution and Commissioner Perry seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the resolution.

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PULLED A RESOLUTION REGARDING PURCHASE OF THE CSX PROPERTY FROM THE AGENDA

CM Stock stated this item will be presented at a later meeting.

PUBLIC HEARINGS:

ADOPTED ORDINANCE 03-96 AMENDING THE FISCAL YEAR 2002-2003 BUDGET FOR THE CAPITAL PROJECTS FUND

ACC Richardson read the ordinance by title only:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2002-03 budget for the Capital Projects Fund, and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the ordinance.

ADOPTED ORDINANCE 03-97 ACCEPTING A WARRANTY DEED FROM JAMES C. & REBA K. OWENBY FOR LAND IN SECTION 23-19-24 (CANAL STREET)

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a warranty deed given by James C. Owenby and Reba K. Owenby, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the ordinance.

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ADOPTED ORDINANCE 03-98 AMENDING CHAPTER 25-134 OF THE CODE OF ORDINANCES - REGARDING REQUIREMENTS FOR A PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION, AND SIGN POSTING OF REZONING IN CONNECTION WITH ANNEXATION OF PROPERTY INTO THE CITY OF LEESBURG

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §25-134 of the Code of Ordinances pertaining to notification of amendments to the zoning map, to provide for posting of signs by City staff; to provide for notification to surrounding property owners; to require a public hearing before the Planning and Zoning Commission; to clarify that the list of property owners is to be derived from the most recent ad valorem tax roll; to require that notice be sent by mail to surrounding property owners where property is rezoned in connection with its annexation; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Puckett moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the ordinance.

INTRODUCED AN ORDINANCE ACCEPTING AN EASEMENT FROM FIRST BAPTIST CHURCH OF OKAHUMPKA, INC. IN SECTION 15-20-24

Commissioner Knowles introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from First Baptist Church of Okahumpka, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 15, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 41 ACRES OWNED BY ENGINEERED LAND, LLC SOUTH AND EAST OF SUNNYSIDE DRIVE IN SECTION 20-19-25 AND REZONING FROM COUNTY R-1 AND A TO CITY R-1-A AND PLACING PROPERTY IN DISTRICT 1

Commissioner Lovell introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

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An ordinance annexing certain property owned by Engineered Land, LLC, said property consisting of approximately 41 acres and being generally located south and east of Sunnyside Drive, lying in Section 30, Township 19 south, Range 25 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County R-1 (Rural Residential) and A (Agriculture) to City R-1-A (Single Family Residential); providing that said property shall be placed in Commission District 1; and providing for an effective date. (Engineered Lands LLC)

Mayor Connelly stated only the people who signed up will be allowed to speak. Each speaker will be given three to four minutes. No clapping or cheering will be allowed.

Commissioner Lovell left the room at 6:26 p.m. and returned at 6:28.

The following people spoke about potential problems from annexing this property into the City: Gail Burry, Jimmy Burry, Mrs. Hilbish, Patricia Snowdon, Mary Haddon, and Lisa Gall. All spoke in reference to how allowing more than one home per acre would reduce the quality of life in Sunnyside area, cause increased traffic, possibly affect the wetlands, and reduce the value of their property. Several handouts were distributed (attached). Ms. Gail Burry requested her remarks from the Planning and Zoning Meeting be added to this record as well.

Commissioner Puckett left the room at 6:46 and returned at 6:48 p.m.

Commissioner Knowles stated this property is currently zoned for one house per acre at the County level. This project needs to be looked at as a long term project. Commissioner Knowles stated each person he talked with believed Sunnyside will be annexed into the City. A good plan needs to be put in place. Sewer costs are important to review, but the key question is density.

Commissioner Lovell stated this is a conundrum. He noted septic tanks do not work and will eventually pollute the lake and wetlands. The City can request the developer to put in the infrastructure. With only 41 houses, it is too costly for the City to put in the infrastructure. The area will be worse off with 41 septic tanks versus more houses with sewer infrastructure in place. Higher density does not mean a bad housing development.

Commissioner Perry stated sewer and water are usually installed by the developer in the subdivisions. He noted he would like to see the land developed at one house per five acres. The developer has already been given the okay to put in two units per acres. If this annexation takes place, the developer will be forced to hook up to City water and sewer.

CM Stock advised Dr. Little's subdivision (Sunnyside Trails), has City water, but not City sewer.

Steve Richey, attorney for the applicant, stated the property is currently mainly zoned R-1 with the smallest house size allowed set at 850 sq ft. The applicant is willing to put in water if it is

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available. Water is available, but sewer is not. The subdivision can be built as 41 lots with septic and wells. Mr. Richey stated his client will not sign an annexation agreement if annexation is not allowed.

Mayor Connelly asked Mr. Richey what he could tell people about the requirements in the proposed subdivision. Mr. Richey stated it is not feasible to have 5 acre lots.

Commissioner Knowles questioned the minimal house size allowed under the R-1-A zoning. Community Development Director (CDD) McElhanon stated R-1-A allows a minimum house size of 1000 sq ft for a one-story home.

Commissioner Knowles questioned how many homes were actually being proposed. Mr. Richey stated the proposed number is 82 however, anything between 41 and 82 is possible.

INTRODUCED AN ORDINANCE RENAMING ORANGE STREET TO MARKET STREET

Commissioner Knowles introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance renaming Orange Street being an existing street shown on the map of the official plat of the City of Leesburg as recorded in Plat Book 2, Page 19, Public Records of Lake County, Florida, and lying in Section 26, Township 19 south, Range 24 east; and providing an effective date.

CDD Laura McElhanon stated eight out of the fourteen people with addresses on the street, have already agreed to changing the name.

Commissioner Puckett questioned the cost involved with changing the name. CDD McElhanon stated the cost of replacing eight signs is \$160.00.

Commissioner Perry stated the City should stay neutral on this item.

INTRODUCED AN ORDINANCE RENAMING WASHINGTON B STREET TO UPSHAW PLACE

Commissioner Perry introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance renaming Washington B Street being an existing street in the City of Leesburg, Florida, and renaming it Upshaw Place, and lying in Section 26, Township 19 south, Range 24 east; and providing an effective date.

Mayor Connelly read a letter received by Mrs. Shirley McDowell in favor of the renaming.

Mrs. Upshaw is the only resident on the street.

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CITY ATTORNEY ITEMS:

1. CA Morrison gave an update on the proposed Florida Water Services operations purchase. He stated Florida Water Services refused the informal \$1 million offer, but are now willing to re-look at the \$2.6 million offer with the 30 day due diligence. CA Morrison is looking for guidance on the direction to take.

Commissioner Puckett stated Florida Water Services can keep the water system. Commissioner Perry agreed stating the offer of \$2.6 million is too high.

Commissioner Knowles stated the cost of an appraisal is minimal so perhaps the City should re-look at the \$2.6 million price. Commissioner Lovell agreed with Commissioner Knowles.

Mayor Connelly questioned why the interest was rekindled. CA Morrison stated Florida Water Services is holding out to see if someone will buy all their assets in Florida, but will sell parts if the price is right. CM Stock added Hartman and Associates (our initial consultants) stated \$2.6 million was a bottom of the range value for the wells.

Commissioner Perry stated the City is the only buyer, so \$1 million is a good figure.

CA Morrison stated the consensus is not to offer the \$2.6 million, but to stay with the \$1 million offer.

FINANCE DIRECTOR ITEMS:

- A. Finance Director (FD) Pfeilsticker stated the monthly financial report for September 2003 is for the end of the fiscal year however, year-end adjustments still need to be done. Overall, the City is in good shape. There were no questions asked.
- B. FD Pfeilsticker stated the recommended BPCA for November 2003 is \$14.00 per 1,000 kWh. This is a decrease from \$14.50 approved last month for October 2003.

Commissioner Lovell moved to approve the BPCA rate of \$14.00 per 1,000 kWh. Commissioner Puckett seconded the motion and it passed unanimously.

CITY MANAGER ITEMS:

- A. CM Stock stated he received a request from Silver Lake Country Club for the City to reduce the amount of the utility deposit required. Commissioner Puckett questioned whether this could be done or not.

CM Stock stated he does not have the authority to approve a lower amount, but the Commission does have the authority.

Phil Braun, president of the Silver Lake Country Club, stated Silver Lake recently filed Chapter 11 bankruptcy. They are not able to pay the requested amount of deposit for the utilities, as it would cause financial hardship. The Country Club is asking for a waiver or plan or a reduced cost.

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CM Stock stated prior to the filing of Chapter 11, the Country Club owed the City about \$22,000. They now must establish a new account, which requires the deposit. Payment on the previous account will be requested through bankruptcy court. The Commission has the choice to reduce or not reduce the deposit amount or allow for payment of the deposit over a period. The Country Club does have the right to seek a reduction in bankruptcy court.

Commissioner Puckett stated bankruptcy leaves little chance to get any of the back amounts paid.

Commissioner Lovell noted the Country Club is working diligently to try to sell the building and land. If the City demands the deposit, the Country Club will be out of business, if not the Club may or may not make it.

CA Morrison stated the Country Club is too big to be treated like a small company and not big enough to be considered a big company. A motion is pending in the court for the Country Club to put up a \$6,000 deposit. It is likely the court will grant this relief.

Commissioner Perry stated the City should abide by what the bankruptcy court sets.

Commissioner Puckett moved to follow the recommendation favored by the court and Commissioner Knowles seconded the motion. It was noted the amount should be mentioned so the entire amount is not forgiven.

Commissioner Lovell moved to accept the amount of \$6,000 as the utility deposit and Commissioner Puckett seconded the motion. The motion was approved with four yea votes and Commissioner Perry opposing the motion.

ROLL CALL:

Commissioner Lovell – none

Commissioner Perry – explained his nay on the last item. He stated he is hesitant to make a special rule when the City has an ordinance that makes it cut and dry.

Commissioner Puckett – none

Commissioner Knowles – stated he attended the Penny Sales Tax audit and the City of Leesburg has complied with all the requirements.

Mayor Connelly – stated 1.) Month of October is Florida Appreciation for Government in the Cities. He visited two middle schools where he spoke to 220 students at Carver and 250 students at Oak Park. 2.) He is attending a race relation summit in Tallahassee tomorrow and will report on it next time. 3.) Mrs. Mann showed him the books for the Food Bank and showed him how they are struggling every month. Mr. Perry is correct. Once things have been based, the Commission needs to abide by them. Need to give an attentive ear to organizations such as the Food Bank.

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Commissioner Lovell moved to adjourn the meeting and Commissioner Puckett seconded the motion. The meeting adjourned at 7:46 p.m.

Mayor

Attest:

Acting City Clerk

Diane L. Gibson Smith
Recorder

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